

FRIDAY, JANUARY 14, 2011
FOURTH ORGANIZATIONAL DAY

CALL TO ORDER

The Senate met at 9:00 a.m., and was called to order by Mr. Speaker Ramsey.

PRAYER

The proceedings were opened with prayer by Pastor Chris Seifert of Hermitage United Methodist Church in Hermitage, Tennessee, a guest of Senator Haynes.

PLEDGE OF ALLEGIANCE

Senator Haynes led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 33

Senators present were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Haile, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--33.

MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **Senate Bills Nos. 31 through 45** be passed on first consideration, which motion prevailed.

INTRODUCTION OF BILLS

The Speaker announced that the following bills were filed for introduction and passed first consideration:

Senate Bill No. 31 by Senator Tracy.

Transportation, Dept. of -- As introduced, authorizes TDOT to allow certain commercial advertising on incident response HELP trucks; proceeds deposited in highway fund. Amends TCA Title 4, Chapter 3, Part 23 and Title 54.

Senate Bill No. 32 by Senator Tracy.

Transportation, Dept. of -- As introduced, authorizes TDOT to allow certain commercial advertising on the Tennessee 511 system; proceeds deposited in highway fund. Amends TCA Title 4, Chapter 3, Part 23 and Title 54.

Senate Bill No. 33 by Senator Burks.

Taxes, Income -- As introduced, repeals the Hall Income Tax in 2015; decreases tax rate from 6 percent to 4 percent in 2013; decreases tax rate from 4 percent to 2 percent in 2014. Amends TCA Title 67, Chapter 2, Part 1.

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Senate Bill No. 34 by Senator Burks.

Flags -- As introduced, requires state flags to be flown at half-staff by political subdivisions during day of mourning declared by the governor for Tennessee National Guard members killed in action. Amends TCA Title 4, Chapter 1, Part 4.

Senate Bill No. 35 by Senator Barnes.

Highway Signs -- As introduced, names segment of State Route 249 in Cheatham County in honor of the late Corporal Kristopher Daniel Greer, USMC.

Senate Bill No. 36 by Senator Faulk.

Alcohol Offenses, Motor Vehicles -- As introduced, creates misdemeanor offense of possessing open container of alcoholic beverage within passenger area of motor vehicle on public highway. Amends TCA Title 55, Chapter 10, Part 4.

Senate Bill No. 37 by Senator Faulk.

Special License Plates -- As introduced, imposes identical registration fee for special purpose license plates issued to enlisted members of the National Guard and cultural license plates issued to active members of the United States Military and Military Reserves. Amends TCA Title 55, Chapter 4, Part 2.

Senate Bill No. 38 by Senator Faulk.

Special License Plates -- As introduced, specifies that no registration fee will be charged for special purpose license plates issued to enlisted members of the National Guard, cultural license plates issued to active members of the United States Military and Military Reserves, and plates issued to Tennessee State Guard and the United States Reserve Forces. Amends TCA Title 55, Chapter 4, Part 2.

Senate Bill No. 39 by Senator Faulk.

Disabled Persons -- As introduced, extends the time period that a permanent disabled parking placard is valid from two to five years and adjusts fee from \$3.00 to \$7.50. Amends TCA Title 55, Chapter 21.

Senate Bill No. 40 by Senator Faulk.

Unemployment Compensation -- As introduced, excludes periods of temporary total disability under the Workers' Compensation law from calculation of base period for purposes of unemployment compensation. Amends TCA Title 50, Chapter 6 and Title 50, Chapter 7.

Senate Bill No. 41 by Senator Faulk.

Evidence -- As introduced, requires training of law enforcement officers introducing evidence of speed or driver conduct detected by automated devices. Amends TCA Section 24-7-124.

Senate Bill No. 42 by Senator Faulk.

Alcoholic Beverage Commission -- As introduced, requires all fees, fines, and other penalties be paid to commission before license renewal for distillers, wholesalers, retailers, liquor-by-the-drink establishments, wineries, collectors, and direct shippers; authorizes commission to assess actual and reasonable costs of any hearing held in accordance with the contested case provisions. Amends TCA Title 57, Chapter 3; Title 57, Chapter 4, Part 2 and Title 57, Chapter 1.

Senate Bill No. 43 by Senator Faulk.

Alcoholic Beverages -- As introduced, prohibits issuing or renewing permits to sell beer off-premises to persons selling beer through drive-up or drive-through windows or curb-service unless such person is certified as responsible vendor. Amends TCA Title 57, Chapter 5, Part 1.

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Senate Bill No. 44 by Senator Tracy.

Parks, Natural Areas Preservation -- As introduced, specifies that senior citizen discounts offered at state golf courses apply to persons who are at least 55 years old. Amends TCA Title 11, Chapter 3, Part 1.

Senate Bill No. 45 by Senator Tracy.

Sales -- As introduced, requires the most recent sales tax reporting period be used by aviation fuel dealers for purposes of filing a monthly report with the Department of Revenue; revises other provisions for reporting fuel sales. Amends TCA Title 67, Chapter 4 and Title 67, Chapter 6.

REFERRAL OF BILLS

Pursuant to the appointments of the Standing Committees, the following bills were referred to the appropriate committees:

Senate Bill No. 1 referred to the Committee on Judiciary.

Senate Bill No. 2 referred to the Committee on Judiciary.

Senate Bill No. 3 referred to the Committee on Judiciary.

Senate Bill No. 4 referred to the Committee on Finance, Ways and Means.

Senate Bill No. 5 referred to the Committee on Judiciary.

Senate Bill No. 6 referred to the Committee on Finance, Ways and Means.

Senate Bill No. 7 referred to the Committee on Finance, Ways and Means.

Senate Bill No. 8 referred to the Committee on State and Local Government.

Senate Bill No. 9 referred to the Committee on Education.

Senate Bill No. 10 referred to the Committee on Transportation.

Senate Bill No. 11 referred to the Committee on Commerce, Labor and Agriculture.

Senate Bill No. 12 referred to the Committee on State and Local Government.

Senate Bill No. 13 referred to the Committee on Judiciary.

Senate Bill No. 14 referred to the Committee on Environment, Conservation and Tourism.

Senate Bill No. 15 referred to the Committee on Education.

Senate Bill No. 16 referred to the Committee on State and Local Government.

Senate Bill No. 17 referred to the Committee on Commerce, Labor and Agriculture.

Senate Bill No. 18 referred to the Committee on Judiciary.

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Senate Bill No. 19 referred to the Committee on Finance, Ways and Means.

Senate Bill No. 20 referred to the Committee on Transportation.

Senate Bill No. 21 referred to the Committee on Transportation.

Senate Bill No. 22 referred to the Committee on General Welfare, Health and Human Resources.

Senate Bill No. 23 referred to the Committee on General Welfare, Health and Human Resources.

MOTION

Senator Norris moved, pursuant to Rule 33 and Article II, Section 18 of the Constitution of the State of Tennessee, that **Senate Bills Nos. 24 through 30** be passed on second consideration and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

SENATE BILLS ON SECOND CONSIDERATION

The Speaker announced that the following bills passed second consideration and were referred to the appropriate committees or held on the Clerk's desk:

Senate Bill No. 24 referred to the Committee on Finance, Ways and Means.

Senate Bill No. 25 referred to the Committee on Education.

Senate Bill No. 26 referred to the Committee on Judiciary.

Senate Bill No. 27 referred to the Committee on State and Local Government.

Senate Bill No. 28 referred to the Committee on Transportation.

Senate Bill No. 29 referred to the Committee on Transportation.

Senate Bill No. 30 local bill -- held on desk.

MOTION

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 18 through 20** be passed on first consideration and lie over, which motion prevailed.

INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 18 by Senators Kelsey, Berke, Beavers and McNally; Mr. Speaker Ramsey; and Senators Tracy, Southerland, Watson, Crowe, Johnson, Yager, Gresham, Ketron, Bell, Haile, Campfield, Summerville, Faulk, Norris and Stewart.

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Constitutional Amendments -- Proposes an amendment to clarify the constitutional language that currently prohibits the levying of a tax on any class of income, other than income derived from stocks and bonds, and to prohibit any tax levied on or measured by employer payrolls.

Senate Joint Resolution No. 19 by Senator Faulk.

Memorials, Sports -- Volunteer High School marching band winning four first place trophies at the Outback Bowl 2011.

Senate Joint Resolution No. 20 by Senator Faulk.

Attorney General and Reporter -- Proposes a constitutional amendment to provide for the popular election of the attorney general and reporter for the state.

REFERRAL OF RESOLUTIONS

Pursuant to the appointments of the Standing Committees, the following resolutions were referred to the appropriate committees:

Senate Joint Resolution No. 1 referred to the Committee on Calendar.

Senate Joint Resolution No. 2 referred to the Committee on Calendar.

Senate Joint Resolution No. 3 referred to the Committee on Calendar.

Senate Joint Resolution No. 4 referred to the Committee on Calendar.

Senate Joint Resolution No. 5 referred to the Committee on Calendar.

Senate Joint Resolution No. 6 referred to the Committee on Calendar.

Senate Joint Resolution No. 7 referred to the Committee on Calendar.

Senate Joint Resolution No. 8 referred to the Committee on Judiciary.

Senate Joint Resolution No. 11 referred to the Committee on Calendar.

Senate Joint Resolution No. 13 referred to the Committee on General Welfare, Health and Human Resources.

Senate Joint Resolution No. 14 referred to the Committee on Calendar.

MOTION

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolution No. 16** lie over and be referred to the appropriate committee or held on the Clerk's desk, which motion prevailed.

RESOLUTIONS LYING OVER

Senate Joint Resolution No. 16 -- Memorials, Congress -- Urges repeal of federal statute prohibiting commercial operations at rest areas on interstate highways built post-1956.

The Speaker announced that he had referred Senate Joint Resolution No. 16 to the Committee on Transportation.

RECESS

Senator Norris moved that the Senate recess and repair in a body to the House Chamber to meet the House of Representatives in Joint Convention for the purpose of allowing Mr. John Allyn to address the Body for the Annual Ethics Current Issues Course Training, and further moved that at the conclusion of the Joint Convention that the Senate adjourn until 10:30 a.m., Saturday, January 15, 2011, which motion prevailed.

**IN JOINT CONVENTION
ANNUAL ETHICS CURRENT ISSUES COURSE**

CALL TO ORDER

Mr. President Ramsey called the Joint Convention to order pursuant to **Senate Joint Resolution No. 15**.

ROLL CALL

The Senate roll call was taken with the following results:

Present 32

Senators present were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Haile, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

The House roll call was taken with the following results:

Present 94

Representatives present were: Alexander, Armstrong, Bass, Harry Brooks, Kevin Brooks, Brown, Butt, Campbell, Camper, Carr, Cobb, Coley, Cooper, Curtiss, Dean, John Deberry, Lois DeBerry, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Curtis Johnson, Phillip Johnson, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, McCormick, McDaniel, McDonald, McManus, Don Miller, Larry Miller, Montgomery, Moore, Naifeh, Niceley, Odom, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Johnnie Turner, Mike Turner, Watson, Weaver, White, Kent Williams, Ryan Williams, Windle, Wirgau, Womick and Madam Speaker Harwell--94.

Mr. Speaker Ramsey moved that the Clerk read the resolution, which motion prevailed.

The Clerk read the resolution.

PRESENTATION

Pursuant to Tennessee Code Annotated, Section 3-6-113, Representative Curtis Johnson introduced Mr. John Allyn, Legal Counsel for the Bureau of Ethics and Campaign Finance, Tennessee Registry of Election Finance, who presented the annual Ethics Current Issues course to the Body.

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MR. PRESIDENT RAMSEY RELINQUISHES THE CHAIR

Mr. President Ramsey relinquished the Chair to Madam Speaker Harwell as President.

DISSOLUTION OF JOINT CONVENTION

Madam President Harwell declared, pursuant to **Senate Joint Resolution No. 15**, the purpose for which the Joint Convention was assembled having been accomplished, the Joint Convention stood dissolved.

MOTION

On motion of Senator Woodson, her name was added as sponsor of **Senate Joint Resolution No. 18**.

On motion of Senator Henry, his name was added as sponsor of **House Joint Resolutions Nos. 1 and 3**.

MESSAGE FROM THE HOUSE

January 14, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 8, 9, 11, 12 and 13; adopted, for the Senate's action.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

January 14, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 17, concurred in by the House.

JOE MCCORD,
Chief Clerk.

ADJOURNMENT

Pursuant to Senator Norris's motion, the Senate adjourned until 10:30 a.m., Saturday, January 15, 2011.